

**AN ORDINANCE TO AMEND CHAPTER 52, § 52-1 OF THE  
CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING  
CONSTRUCTION STANDARDS IN THE INTERNATIONAL  
BUILDING CODE 2021 EDITION AND THE INTERNATIONAL  
RESIDENTIAL CODE 2021 EDITION.**

WHEREAS, with certain exemptions, Sussex County previously adopted the International Building Code 2012 Edition, Chapters 1-26 and 35, which governs the construction of commercial buildings; and

WHEREAS, International Building Code 2012 Edition has been updated, most recently by the International Building Code 2021 Edition; and

WHEREAS, with certain exemptions, Sussex County previously adopted the International Residential Code 2012 Edition, Chapters 1-10, which governs the construction of residential buildings; and

WHEREAS, International Residential Code 2012 Edition has been updated, most recently by the International Residential Code 2021 Edition; and

WHEREAS, Sussex County desires to update the building standards for both commercial and residential construction by adopting the International Building Code 2021 Edition, Chapters 1-26, and the International Residential Code 2021 Edition, Chapters 1-10, subject to certain exemptions.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY  
ORDAINS:**

30 **Section 1. The Code of Sussex County, Chapter 52, Article I, § 52-1,**  
31 **Adoption of standards; exemptions, is hereby amended by deleting**  
32 **the language in brackets and inserting the italicized and underlined**  
33 **language as follows:**

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35 **§ 52-1, Adoption of standards; exemptions.**

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37 **A.** The International Building Code (hereinafter “IBC”), Chapters 1  
38 through 26,[ and Chapter 35, 2012] 2021 Edition[ and future  
39 editions], as promulgated, after 60 days subsequent to the  
40 nonchallenged publication of the edition, is hereby adopted as the  
41 building standard for construction in Sussex County as it relates to  
42 the following structures: multifamily residential dwellings,  
43 assembly occupancy, business occupancy, educational occupancy,  
44 hazardous occupancy, factory industrial occupancy, institutional  
45 occupancy, mercantile occupancy and storage occupancy.

46  
47 **B. IBC Exemptions.**

48 (1) "Farm buildings," defined as any nonresidential structures, that  
49 are located on a farm and are used in the farming operation  
50 (barns, sheds, poultry houses, swine houses, etc.), are exempt  
51 from the provisions of the IBC as regards construction,  
52 alteration or repair. Any reference to "farm buildings" in any  
53 chapter, section, paragraph, appendix or table in the IBC shall  
54 not be applicable.

55 (2) Land used for agricultural purposes shall be exempt from the  
56 provisions of the IBC as regards construction, alteration or  
57 repair. Land shall be deemed to be in agricultural use when  
58 devoted to the production for sale of plants and animals useful  
59 to man, including but not limited to forages and sod crops;

grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; or, when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil-conservation program under an agreement with an agency of the federal government

(3) The obtaining of building permits for assessment purposes continues to remain in effect.

(4) Where the provisions of the IBC and the provisions of the Sussex County Code conflict, the provisions contained in the Sussex County Code shall control.

**C.** The provisions and regulations of the International Residential Code, Chapters 1 through 10, [2012]2021 Edition[ and future editions], (hereinafter “IRC”), as promulgated after 60 days subsequent to the nonchallenged publication of the edition, as they relate to one- and two-family dwellings, are hereby adopted as the building standards for construction in Sussex County.

**D. IRC Exemptions**

(1) Carports. Carports *less than 400 square feet in size* are excluded from inspections.

(2) [Landings. A landing is not required on the exterior of a sliding door.

(3) Riser height.

(a) Maximum riser height is 8 ¼ inches.

(b) The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inches, excluding the first and last step of interior stairs, which may have a difference of 5/8 inches.

(4) Tread depth. Minimum tread depth shall be nine inches, including winders.

(5) Foundation anchorage. No anchor bolts will be required at the end of each plate section, excluding corners.

(6) Automatic fire sprinkler systems, IRC § R313. Automatic fire sprinkler systems shall be exempted from one- and two-family dwellings and townhouses.

([7]3) Where the provisions of IRC and the provisions of the Sussex County Code conflict, the provisions contained in the Sussex County Code shall control.

**Section 4. Effective Date. This Ordinance shall become effective on \_\_\_\_\_, 2022.**

### **Synopsis**

**This Ordinance amends Chapter 52, § 52-1 by adopting the International Building Code (“IBC”) 2021 Edition, Chapters 1-26, and the International Residential Code (“IRC”) 2021 Edition, Chapters 1-10, subject to the exemptions set forth in Chapter 52, § 52-1B. and §52-1D., respectively.**

**Deleted text is in brackets. Additional text is italicized and underlined.**